

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Request for Modifying the Conditions or Term of Supervision
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Miguel Angel Marquez-Martinez (English)

Dkt No.: 16CR00813-001-H

Name of Sentencing Judicial Officer: The Honorable Marilyn L. Huff, Senior U.S. District Judge

Sentence: Nine months custody; three years supervised release. (*Special Conditions: Refer to Judgment and Commitment Order.*)

Date of Sentence: February 21, 2017

Date Supervised Release Commenced: August 10, 2017

Prior Violation History: None.

PETITIONING THE COURT

TO MODIFY THE CONDITIONS OF SUPERVISION AS FOLLOWS:

DRUG/ALCOHOL TREATMENT: The defendant shall participate in a program, inpatient or outpatient, for the treatment of drug and/or alcohol addiction, dependency or abuse which may include, but not be limited to urine, breath, saliva and skin testing to determine whether the defendant has reverted to the use of drugs and/or alcohol. Further the defendant shall participate as instructed and as deemed necessary by the probation officer and shall comply with all rules and regulations of the treatment agency until discharged by the Program Director with the approval of the probation officer. The defendant shall further submit to such drug-detection techniques, in addition to those performed by the treatment agency, as directed by the probation officer. The defendant will incur costs associated with such drug/alcohol detection and treatment, based on ability to pay as determined by the probation officer.

MENTAL HEALTH: The defendant is required to participate in a mental health program as deemed necessary and approved by the probation officer. The defendant will incur costs associated with such program, based on ability to pay as determined by the probation officer.

COMMUNITY CONFINEMENT: The defendant is required to participate in a community treatment center, halfway house or similar facility for a period of up to 6 months, beginning at a time determined by the probation officer.

PROB12B

Name of Offender: Miguel Angel Marquez-Martinez
Docket No.: 16CR00813-001-HFebruary 9, 2018
Page 2**CAUSE**

Supervised release commenced in this case on August 10, 2017, when he was released from immigration custody to the Southern District of Texas as there was an immigration attorney (asylum claim) there who agreed to take him in to provide housing. The initial plan was for the offender to move into a group home for transgender individuals; however, that did not work out, and he had to return to his attorney's residence. Subsequently, the offender was asked to leave the residence because his asylum attorney did not feel the offender respected their residence, as he was staying out all night and not returning. The offender is now residing with someone that he met as an Uber driver. The probation officer has conducted a home visit of the residence, and it is not a stable environment. The offender has no ties to the Southern District of Texas, and it appears that by remaining here, encourages him to engage in illegal risky behavior. The offender's family ties are in the Akron, Ohio area. The offender has an extensive mental health history including at least four suicide attempts, auditory hallucinations, borderline personality disorder and exaggerated psychiatric symptoms. This offender has reported seeing a psychiatrist; however, the records from have not been forwarded to this probation officer. ✓

On January 1, 2018, the offender submitted a urine sample that tested positive for cocaine. On January 22, 2018, the offender was questioned by the supervising probation officer about the positive urine sample and he admitted to using cocaine. He also admitted to using cocaine four (4) days prior to the office visit (on or about January 18, 2018). The offender signed an Admission/Denial for on January 22, 2018, in which he admitted to using cocaine resulting in positive urine sample on January 1, 2018.

To address the offender's unstable living situation and drug use, the supervising probation officer is recommending that conditions of supervised release be modified to include the following special conditions: drug/alcohol treatment; mental health treatment, and placement at a community treatment center/halfway house. The offender has agreed to these modifications as evidenced by his signature on the attached Waiver of Hearing to Modify Conditions of Supervised Release.

Respectfully submitted:

by


 Christopher J. Marco
 Supervising U.S. Probation Officer
 (619) 557-5389

mtb for mq

Attachments:

THE COURT ORDERS:

The Modification of Conditions as Noted Above



Other _____


 The Honorable Marilyn L. Huff
 Senior U.S. District Judge

2/12/18
 Date